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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HOLLAND & HART LLP 60 E. SOUTH TEMPLE SUITE 2000 SALT LAKE CITY, UT 84111			EXAMINER HU, KANG	
			ART UNIT 3714	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/758,914	Applicant(s) OSWALD, GEORGE JOSEPH	
	Examiner Kang Hu	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on 2/27/2007 has been entered. Claims 1-42 are currently pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 23, the preamble of the claim recites an apparatus comprising. In the body of the claim, the feature of a "portable video game cockpit" is the only component recited as part of the apparatus. Although the portable video game cockpit includes a plurality of components itself, the apparatus of the claimed invention consists essentially of only one element. It is unclear how one structured element, absent any additional components or relationship is capable of being considered as a complete apparatus.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-12, 14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by May et al. (US 6,102,476).

Re claim 1: May discloses a video game cockpit comprising: a support apparatus (14), the support apparatus comprising: a framework of interconnected members (figs 1-5); an adjustable pedal mount (47) attached to the framework of interconnected members (see col 3, lines 54-55); an adjustable controller mount (38, 42) (see col 3, lines 34 -39); a monitor stand (41) (see col 3, lines 37-40); a seat (11) attached to the support apparatus (14) (see fig 1; col 3, lines 1-3).

Re claim 2: May further discloses the adjustable pedal mount (47) comprises two degrees of freedom (fig 3; col 3, lines 53-55).

Re claim 3: May further discloses the adjustable pedal mount (47) is adjustable forward and backward and rotational about an axis (fig 3; col 3, lines 53-55).

Re claim 4: May further discloses the adjustable controller mount (38, 42) comprises three degrees of freedom (fig 2; col 3, lines 47-50).

Re claim 5: May further discloses the adjustable controller mount (38, 42) is adjustable forward and backward, up and down, and rotational about an axis (col 3, lines 49-55; col 4, lines 25-27).

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Re claim 6: May further discloses the adjustable controller mount (38, 42) comprises a steering wheel platform (col 3, lines 34 - 45).

Re claim 7: May further discloses the seat is removably attached to the support apparatus (14) (col 4, lines 35-38).

Re claim 8: May further discloses that the support apparatus is collapsible for easy storage as the pedal mount is rescinded and the backrest reclined (col 2, lines 11-12).

Re claim 9: May further discloses a game console mount (16) attached to the support apparatus (14) (fig 1; col 3, lines 11-24).

Re claim 10: May further discloses the game console mount being receptive of any computer game console (col 4, lines 28-30).

Re claim 11: May further discloses the game console mount attached to the support apparatus, the game console mount receptive of a video game console (col 4, lines 28-30).

Re claim 12: May further discloses a keyboard mounting arm (43) attached to the support apparatus (col 3, line 49-55).

Re claim 14: May further discloses a game console mounted to the cockpit (col 4, lines 28-30).

Re claim 17: May further discloses the monitor stand comprises an adjustable monitor stand (col 3, lines 38-42; col 4, lines 25-27).

6. Claims 23, 24, 26, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Brister (US 2002/0011374A1).

Re claim 23: Brister discloses an apparatus comprising a portable video game cockpit, comprising: first and second side members (A) spaced from one another; a first nose cross-member (B) attached transversely between first ends of the first and second side members (A); a chair cross-member (C) attached transversely between second ends of the first and second side members; a second nose member (E) attached transversely between the first and second side members (A) at a spacing between the first nose cross-member (B) and the chair cross-member (C); a chair (D) attached to the chair cross-member (C); first and second angled members (F) attached to and extending upward from the first nose cross-member (B) at first ends thereof; a first upper member (G) attached at a first end to a second end of the first angled member (F) and a second upper member (G) attached at a first end to a second end of the second angled member (F), the first and second upper members (G) extending in a direction toward the chair (D); a third angled member (J) attached to the first end of the first side member (A) and a fourth angled member (J) attached to the first end of the second side member (A), the third and fourth angled members (J) extending in a direction toward the chair (S); a second cross member (H) attached to second ends of the third and fourth angled members (J), and also attached to second ends of the first and second upper members (G) (see examiner attached fig 2).

Re claim 24: Brister further discloses a first brace (I) attached to the second end of the first side member (A) and extending to an attachment point between the first and second ends of the third angled member (J); a second brace (I) attached to a second end of the second side member (A) and extending to an attachment point between the first and second ends of the fourth angled member (J) (see examiner attached fig 2).

Re claim 26: Brister further discloses the controller member is attached to the second cross member (H) (see examiner attached fig 2).

Re claim 29: Brister further discloses the first and second upper members are substantially horizontal and parallel to one another, with a spacing there between less than the spacing between the first and second side members (see examiner attached fig 2).

Re claim 30: Brister further discloses wherein the first and second side members, the first nose cross-member, the chair cross-member, the second nose member, the first and second angled members, the first and second upper members, the third and fourth angled members, and the second cross member each comprise tubulars (page 2, paragraph 33-34)

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1, 2, 4, 6, 7, 9, 12, 13, 15, 17, 39 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Baru (US 2004/0155493A1).

Re claim 1: Baru discloses a computer workplace, comprising: a support apparatus (14), the support apparatus comprising: a framework of interconnected members (44, 48), an adjustable pedal mount can be interpreted as (10, 30, 32, 44, 48 or 54) or any piece that is attached to the framework of interconnected members (see page 4, paragraph 54); an adjustable controller mount (14, 44, 48, 30, 32, or 54) (see page 4, paragraph 57); a monitor stand (10) (page 3, paragraph 50); a seat (1) attached to the support apparatus (14) (see fig 3; page 3, paragraph 50).

Re claim 2: Baru further discloses the adjustable pedal mount (44, 48) comprises two degrees of freedom (page 4, paragraph 54).

Re claim 4: Baru further discloses the adjustable controller mount (54) comprises three degrees of freedom (see fig 3; page 4, paragraph 54 and 57).

Re claim 6: Baru further discloses the adjustable controller mount (54) comprises a steering wheel platform (page 4, paragraph 57).

Re claim 7: Baru further discloses the seat is removably attached to the support apparatus (14) (page 3, paragraph 50).

Re claim 9: Baru further discloses a game console mount (54) attached to the support apparatus (14) (page 4, paragraph 57).

Re claim 12: Baru further discloses a keyboard mounting arm (54) attached to the support apparatus (14) (page 4, paragraph 57).

Re claim 13: Baru further discloses a plurality of tubular members interconnected by adjustable, removable couplings (page 2, paragraphs 25, 29).

Re claim 15: Baru further discloses one or more pedals mounted to the adjustable pedal mount (see page 4, paragraph 54) and a controller mounted to the adjustable controller mount (see page 4, paragraph 57).

Re claim 17: Baru further discloses the monitor stand comprises an adjustable monitor stand (page 3, paragraph 52).

Re claim 39: Baru discloses of a method of making a video game cockpit taught above for claim 1 for providing a support apparatus, attaching an adjustable pedal mount to the support apparatus; attaching an adjustable controller mount to the support apparatus; providing a monitor stand portion of the support apparatus; attaching a seat to the support apparatus (page 2, paragraphs 32-35; page 4, paragraph 57).

Re claim 40: Baru further discloses of a method of making a video game cockpit further comprising mounting one or more pedals to the adjustable pedal mount; mounting a controller to the adjustable controller mount; setting a monitor on the monitor stand portion (page 2, paragraphs 32-35; page 3, paragraph 50).

9. Claims 1, 2, 6-9, 11, 12, 14, 18, 19, 34, 35, 37 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Masaya et al. (US 2005/0009611A1).

Re claim 1: Masaya discloses a video game cockpit, comprising: a support apparatus (36), the support apparatus comprising: a framework of interconnected members, an adjustable pedal mount (33) attached to the framework of interconnected members; an adjustable controller mount (39, 44); a monitor stand (38); a seat (21) attached to the support apparatus (36) (see fig 1).

Re claim 2: Masaya further discloses the adjustable pedal mount (33) comprises two degrees of freedom (page 1, paragraph 14; page 1, paragraph 16).

Re claim 6: Masaya further discloses the adjustable controller mount (39, 44) comprises a steering wheel platform (page 1, paragraph 15).

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Re claim 7: Masaya further discloses the seat is removably attached to the support apparatus (36) (page 1, paragraph 13 and 14).

Re claim 8: Masaya further discloses the support apparatus (36) is collapsible for convenient storage (page 1, paragraph 16).

Re claim 9: Masaya further discloses a game console mount (30, 44) attached to the support apparatus (36) (fig 1).

Re claim 11: Masaya further discloses the game console mount attached to the support apparatus receptive of a video game console (page 1, paragraph 3).

Re claim 12: Masaya further discloses a keyboard mounting arm (39) attached to the support apparatus (fig 1).

Re claim 14: Masaya further discloses a game console mounted (39, 44) to the cockpit (fig 1).

Re claim 18: Masaya discloses a simulation apparatus, comprising a cockpit assembly, the cockpit assembly comprising: a seat (20); a cage (30) attached to the seat (20), the cage (30) comprising: an adjustable pedal platform (33) spaced from the seat (20); an adjustable controller platform (39, 44); a monitor stand (38); a game console mount (30, 44) (fig 1).

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Re claim 19: Masaya further discloses a keyboard mounting arm (39) (fig 1).

Re claim 34: Masaya discloses an open framework of adjustable interconnected members, an adjustable pedal platform (33) attached to a first of the interconnected members (36); an adjustable steering platform (39) attached to a second of the interconnected members; a adjustable monitor stand (38) comprising a third and fourth of the interconnected members (page 1, paragraph 13).

Re claim 35: Masaya discloses a video game console mount attached to a fifth of the interconnected members (30) (fig 1).

Re claim 37: Masaya discloses a keyboard mounting arm (44) attached to a sixth of the interconnected members (page 1, paragraph 14).

Re claim 38: Masaya discloses a cage (30) is connected to a chair (20) (fig 1).

10. Claims 23, 24 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Brasseal et al. (US 2004/0129489A1).

Re claim 23: Brasseal discloses an apparatus, comprising: a portable video game cockpit, comprising: first and second side members (A) spaced from one another; a first nose cross-member (B) attached transversely between first ends of the first and second side members (A); a

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chair cross-member (C) attached transversely between second ends of the first and second side members; a second nose member (E) attached transversely between the first and second side members (a) at a spacing between the first nose cross-member (B) and the chair cross-member (C); a chair (D) attached to the chair cross-member (C); first and second angled members (F) attached to and extending upward from the first nose cross-member (B) at first ends thereof; a first upper member (G) attached at a first end to a second end of the first angled member (F) and a second upper member (G) attached at a first end to a second end of the second angled member (F), the first and second upper members (G) extending in a direction toward the chair (D); a third angled member (J) attached to the first end of the first side member (A) and a fourth angled member (J) attached to the first end of the second side member (A), the third and fourth angled members (J) extending in a direction toward the chair (D); a second cross member (H) attached to second ends of the third and fourth angled members (J), and also attached to second ends of the first and second upper members (G) (see examiner attached fig 1).

Re claim 24: Brasseal further discloses a first brace (I) attached to the second end of the first side member (A) and extending to an attachment point between the first and second ends of the third angled member (J); a second brace (I) attached to a second end of the second side member (A) and extending to an attachment point between the first and second ends of the fourth angled member (J) (see examiner attached fig 1).

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Re claim 29: Brasseal further discloses the first and second upper members are substantially horizontal and parallel to one another, with a spacing there between less than the spacing between the first and second side members (see examiner attached fig 1).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over May et al. (US 6,102,476) in view of Brasseal et al. (US 2004/0129489A1). The teachings of May and Brasseal have been discussed above.

However May did not explicitly express in the invention that one or more pedals mountable to the adjustable pedal mount in a plurality of positions along a plane defining the adjustable pedal mount.

Brasseal teaches one or more pedals can be spaced apart advantageously by 1 to 2 inches (see page 3, paragraph 4) as discussed.

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Therefore in view of Brasseal, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount one or more pedals in a plurality of positions along a plane defining the adjustable pedal mount in order to advantageously space the pedals apart for the best performance and realism to a real fighter simulator or a car racing simulator.

May and Brasseal are analogous art because they are from the same field of endeavor of cockpits for entertainment systems.

13. Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masaya et al. (US 2005/0009611A1) in view of Baru (US 2004/0155493A1). The teachings of Masaya and Baru have been discussed above.

However Masaya did not explicitly express in the invention that the adjustable pedal platform and the adjustable controller mount are adjustable in at least six directions and the monitor stand is adjustable with the control platform.

Baru teaches that the adjustable pedal and the adjustable controller mount are adjustable in at least six directions and the monitor stand is adjustable with the control platform (page 1, paragraph 10; page 2, paragraph 32, 35; page 3, paragraph 50, 52) as described.

Therefore in view of Baru, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an adjustable pedal platform, an adjustable controller

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mount that are adjustable in at least six directions, and an adjustable monitor stand with the control platform to make it more convenient for the player to adjust the cockpit to his or her own liking.

Masaya and Baru are analogous art because they are from the same field of endeavor of cockpits for entertainment systems.

14. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brister (US 2002/0011374A1) in view of Nishimura (US 6,142,877). The teachings of Brister have been discussed above.

However Brister did not disclose a first non-tubular rod attached to the second end of the first side member and extending to an attachment point between the first and second ends of the third angled member; a second non-tubular rod attached to a second end of the second side member and extending to an attachment point between the first and second ends of the fourth angled member.

Nishimura teaches in his invention that the members used to assemble the cockpit are square-shaped rods (fig 2).

Therefore in view of Nishimura, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the tubular rods with square shaped rods in

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assembling the cage that forms the cockpit assembly to increase the structural strength of the cockpit.

Brister and Nishimura are analogous art because they are from the same field of endeavor of cockpit assembly.

15. Claims 21 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brasseal et al. (US 2004/0129489A1) in view of Fen-Ying Lai (GB 2389319A). The teachings of Brasseal have been discussed above.

However Brasseal did not explicitly express in the invention that the remaining components of the cockpit assembly are collapsible to no more than 12 inches in height and that the chair is detached from the chair cross-member, the first and second angled members are detached from the first and second upper members, and the portable video game cockpit is collapsed.

Lai teaches a collapsible rowing boat simulator that allows the user to collapse the rowing machine by folding the oars and grips inwardly to rest parallel to the beam in the abstract (see fig 13).

Therefore in view of Lai, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include pivotal connections to the rods in order to

conveniently carry or store when not in use. Also to make the first and second upper members substantially horizontal and parallel to one another, with a spacing there between less than the spacing between the first and second side members. With the removal of the chair from the support apparatus the structure would easily collapse and fold into a much more compact size to save space for transport or storage.

16. Claims 26, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brasseal et al. (US 2004/0129489A1) in view of Masaya et al. (US 2005/0009611A1). The teachings of Brasseal and Masaya have been discussed above.

However Brasseal did not explicitly express in the invention that the controller member is attached to the second cross member. That the attachments between the members each comprise adjustable couplers receptive of the members and that the second nose member supports a pedal platform that is adjustable with the second nose member according to two degrees of freedom.

Masaya teaches that the controller member is attached to the second cross member (see fig 1) and that the cockpit assembly is easily assembled or disassembled for playing different games with the pedal platform adjustable by at least two degrees of freedom (page 1, paragraph 5).

Therefore in view of Masaya, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the controller member to the second cross

member, to use adjustable couplers receptive of the members and to attach an adjustable platform in at least two degrees to the second nose member in order to make the controller member more stable, to make the cockpit easily collapsible and foldable into a much more compact size to save space for transport or storage, and to allow the player more comfort inside the cockpit.

Brasseal and Masaya are analogous art because they are from the same field of endeavor of cockpits for entertainment systems.

17. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brister (US 2002/0011374A1) in view of Sweere et al. (US 5,992,809). The teachings of Brister have been discussed above.

However Brister did not explicitly express in the invention that the controller member attached to the second cross member has three degrees of freedom and that the first and second upper members comprise a plurality of mounting pads for supporting a video game monitor.

Sweere teaches in his invention for mounting system for flat panel display, keyboard, and stand that would allow the supporting arm to pivot in plurality of vertical, horizontal and elevational axis (col 1, lines 20-50).

Therefore in view of Sweere, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the controller member to the most convenient location for making the controller member more staple; Suit the player the best by adjusting the controller member by its vertical, horizontal and elevational axis. And to attach pads to the support apparatus to support the video game monitors for keeping the display stable and secure to the upper member.

18. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masaya et al. (US 2005/0009611A1) in view of May et al. (US 6,102,476). The teachings of Masaya and May have been discussed above.

However Masaya did not explicitly express in the invention of a video game console mount attached to a fifth of interconnected members, wherein a video game console is attached to the video game console mount.

May teaches in his invention for having a gaming console attached to the video console mount and attached to the support apparatus and to the seat (col 4, lines 25-30) as discussed.

Therefore in view of May, it would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the game console to a game console mount to the support apparatus to make the gaming cockpit more organizational and be able to conveniently move the cockpit and the game counsel in one piece.

Masaya and May are analogous art because they are from the same field of endeavor of cockpits for entertainment systems.

19. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baru (US 2004/0155493A1) in view of May et al. (US 6,102,476). The teachings of Baru and May have been discussed above.

However Baru did not explicitly express in the invention of a method of making a video game console mount attached to the support apparatus and a game console attached to the video console mount.

May teaches in his invention for having a gaming console attached to the video console mount and attached to the support apparatus and to the seat (col 4, lines 25-30) as discussed.

Therefore in view of May, it would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the game console to a game console mount to the support apparatus to make the gaming cockpit more organizational and be able to conveniently move the cockpit and the game console in one piece.

Baru and May are analogous art because they are from the same field of endeavor of cockpits for entertainment systems.

Response to Arguments

Applicant's arguments have been carefully considered and are not persuasive.

In response to applicant's argument that May et al. fails to show the adjustable pedal mount in claim 1, the argument has been carefully considered and found to be moot. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The structure as the applicant claimed could be interpreted as the footrest or any other structure or parts that is adjustable and can be used as a pedal mount. The argument made by the applicant as to how a user sitting in chair could operate a pedal mounted on footrest, the argument is moot for the same reason as above.

In response to applicant's argument that Brister fails to teach or suggest a portable video game cockpit as recited in claim 23, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In response to applicant's argument that applicant submitted amendment of claim 1 clearly distinguishes over Baru, the applicant cannot make argument to subject matters not claimed. Applicant's amended claims and arguments have been considered but are moot. Further in response to applicant's argument that Baru fails to show, teach, or suggest the steps of attaching an adjustable pedal mount to the support apparatus and attaching an adjustable controller mount to the apparatus as recited in independent claim 39. The argument is carefully considered and is not persuasive. The assertion by the applicant that the supporting structure is also the adjustable controller and the adjustable pedal mount, the examiner agrees with the applicant that they are the same piece, but at the same time can be they can be used for all three structures as described by the applicant. At the same time there exist apparatuses (30, 32 and 54) that can be used for the purposes stated above. As originally cited by the examiner, Baru clearly states in paragraph 32-35 that "enabling the monitor support structure to slide freely with respect to the chassis" and also "at least one foot pedal for application of a force on said chassis for moving it from a first position to a second position". It is understood by the examiner that the monitor support structure, foot pedal along with other support apparatuses along the chassis shown in figs 1-3 can be used as either as an adjustable pedal mount, adjustable controller mount and a monitor stand portion.

In response to applicant's argument that Masaya et al (2005/0009611A1) does not teach the adjustable controller mount as cited by the examiner. The arguments are found to be unpersuasive. Masaya clearly shows in fig 1 & 3 on the side of the adjustable controller mount (44) and on the supporting tube there exists dials / lock element that would allow the adjustable

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controller mount to slide freely on the supporting tube. The same logic applies to the adjustable controller (39) where it would be able to slide up the tube just as element 33 in the figure can slide up and down the tube and allowing the dial or locking element (35) to lock 33 into the holes 34.

In response to applicant's argument that Brasseal (2004/0129489A1) fails to show or teach a portable video game cockpit, the same argument has been responded to for Brister for intended use.

Hence applicant's argument is deemed to be unpersuasive and the rejections under 35 U.S.C. 102 and 35 U.S.C. 103 is proper and stands.

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kang Hu
May 10, 2007


Robert E Pezzuto
Supervisory Patent Examiner
Art Unit 3714